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Nebraska Juvenile Diversion Programs 2012 to 2015

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EVIDENCE-BASED NEBRASKA

NEBRASKA JUVENILE DIVERSION PROGRAMS

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Executive Summary

In Nebraska, approximately 4,000 youth are referred to a juvenile diversion program annually. From 2012 to 2015, the majority of cases (87.0%) referred to juvenile diversion programs involved a law violation. Data from juvenile diversion programs indicates that Black youth are referred to diversion at twice the rate at which they appear in the population, whereas Asian and Native American youth are under-represented in juvenile diversion. Ideally we would examine how this compares to juveniles stopped by law enforcement for law violations, but this data is not consistently available in Nebraska. Without access to law enforcement stops, the underlying reasons for these patterns are unclear. To ensure equitable access to diversion, we recommend that Nebraska consistently collect data on law enforcement stops, referrals and citations.

Of the cases referred to juvenile diversion, only 61% successfully divert out of the official court process. Failing to enroll in the program appears to be a primary obstacle. Once youth enroll in a program, their chances of success jump by eleven percentage points, to 72%. To encourage youth to divert out of the system, programs should examine the primary reason cited for failure to enroll. It is important to investigate the reasons that prevent youth and families from successfully enrolling in the local juvenile diversion program.

The majority of the youth have only been referred to diversion one time (93.8%, n = 9,866). While some youth have been referred twice (5.9%, n = 619), three times (0.3%, n = 29), four times (0.1%, n = 3), and one youth was referred five times (0.1%, n = 1).

Overall success rates for completing diversion varied across all counties and ranged from 50 to 100%, which may be attributed to the variation in the number of youth served within each county (i.e. counties that handle few cases), but may also reflect the programs and practices of the diversion program.

To determine how effective diversion programming is at reducing subsequent offending, we examined law violations that occurred after the youth's final time in diversion. Because many juvenile cases are sealed records, the Juvenile Justice Institute requested and received permission through the Nebraska Courts and the Nebraska Supreme Court, to ensure that we captured accurate information on new law violations.

We examined rates of recidivism at three time periods: within 2-3 years post completion; within 1-2 years post completion and 6 months to 1 year post completion. Across all three time periods, rates of recidivism significantly differed by discharge reason. Specifically, youth who were successfully discharged from diversion were significantly less likely to recidivate than those who did not successfully complete the program. This was true whether the youth failed to complete the program because of a new law violation or failing to meet the program requirements. Overall, youth that completed diversion two to three years prior recidivated 30.2% of the time, which is consistent with a meta-analysis that found an average recidivism rate of 31.4% across 45 experiments with follow-up that ranged from 6 months to 36 months (Schwalbe et al., 2012). For youth who recidivated, on average that new law violation occurred almost a year post program completion.

Our analysis revealed a range of effective diversion programs with variance by county. It is likely that outcomes for youth, including recidivism rates, are the result of programming and implementation quality. Throughout this report we included county-level results, so that programs can begin to analyze youth outcomes at the local level and work on strategies to improve program effectiveness.

Perhaps the most important finding is that Nebraska youth who complete a diversion program successfully are significantly less likely to recidivate at both 1-2 and 2-3 years post program completion.

Research has been mixed on the effectiveness of juvenile diversion programs on recidivism. One meta-analysis of 28 studies by Schwalbe and colleagues (2012) did not find a significant difference in average recidivism rates for diverted youth (31.4%) and non-diverted youth (36.3%). On the other hand, another meta-analysis by Wilson and Hoge (2013) did find a significant difference in average recidivism rates for diverted youth (31.5%) and non-diverted youth (41.3%). There is evidence, however, that certain strategies within diversion are more effective than others.

In our sample, only 27% of the youth had diversion requirements and activities information entered in to the Juvenile Case Management System (JCMS). The data that was provided is critical because it indicates that particular activities were significantly related to lower rates of recidivism: youth assigned community service, administrative requirements, having an individual assignment, a parental involvement requirement, and whether a mental health or substance evaluation or therapy was required.

Overall, juvenile diversion programs in Nebraska are statistically more likely to reduce recidivism for the youth who enrolled in the programs than youth who did not enroll in the program. Although this is a noteworthy finding, it should be noted that this finding does not indicate that diversion programming caused a reduction in recidivism. It could be that youth who were more likely to enroll and complete the program are youth who would be less likely to recidivate regardless of the intervention. We note this and other limitations to this study in the limitations section.

Future directions may include comparing juvenile diversion recidivism rates in Nebraska to other juvenile justice systems and programs (e.g., probation, detention, youth rehabilitation treatment centers, or other community-based programs). Currently, however, calculating recidivism is a lengthy process because JUSTICE does not have a way to connect people across cases. There is a need for unique identifiers within systems and across systems. Future directions may also include a randomized study with a control group. This would require juvenile diversion programs who are willing to randomly assign kids to diversion programs and either traditional court processing or an alternative-type programming.

Following this report, we recommend that programs begin to accurately report all fields available in the JCMS so we can continue to evaluate programs in Nebraska and better understand what individual-level and program-level variables predict outcomes. Programs should consistently enter information such as risk assessment scores and other assessment scores. All diversion activities that the youth participates in should also be indicated so that we can begin to see what programming may be working better than others. Our hope is that programs will use the information outlined in this report as a learning tool for improving their programs and that this report will create conversation between programs on what appears to be working best for juvenile diversion programs in Nebraska.

Introduction

Evidence-based practices for reducing youth involvement in the legal system have garnered attention over the past few decades. Research has demonstrated that one predictor for negative long-term outcomes, is a youth's unnecessary involvement in the juvenile justice system (Wilson and Petersilia, 2011). For instance, youth who are formally processed are more likely to have closer monitoring by the justice system, which in turn, may increase the likelihood they will be caught for normal adolescent behaviors like violating curfew or missing school. Youth may be pushed deeper into the system for committing technical violations stemming from the stipulations of being monitored (Hobbs, Wulf-Ludden, & Strawhun, 2013). National statistics demonstrate the rate of juvenile crime has decreased from 1994 to 2006, and "the Juvenile Violent Crime Index arrest rate reached a new historic low-point in 2014" (OJJDP). Despite a decline injuvenile crime rates, thousands of youth are still unnecessarily brought into the juvenile justice system (Holman and Ziendenberg, n.d.)

Figure 1. Arrests per 100,000 juveniles ages 10-17 1980-2014

Source: OJJDP (Statistical Briefing Book)

To address the concerns with formally processing youth further into the juvenile justice system, pretrial diversion programs have been established across the county. The notion of diverting juveniles from the justice system has had scholarly attention, as well as federal juvenile justice policy (Wilson and Petersilia, 2011). Theoretically, juvenile diversion is based on the argument that labeling juveniles may have detrimental effects, rather than helping, such that the juvenile justice system may harm juveniles by contributing to additional delinquent acts (Lemert, 1951). Furthermore, it is believed that youth who have contact with the legal system may require attention for other issues, such as substance abuse or mental health (Cocozza et al., 2005). As such, the goals of diversion programs are to: (1) reduce recidivism, (2) provide services, (3) avoid labeling effects, (4) reduce system costs, and (5) reduce unnecessary social control (Juvenile Diversion Guidebook, MacArthur foundation).

Nebraska Juvenile Diversion Programs

Recognizing that unnecessary formal involvement in the juvenile justice system may be contrary to the best interests and well-being of juveniles, the state of Nebraska established programs and services for juveniles under the Community-based Aid (CBA) Fund (Neb. Rev. Stat. § 43-2404.02). The purpose of the Community-based Aid Fund is to assist counties with developing intervention and prevention activities "designed to serve juveniles and deter involvement in the formal juvenile justice system" (Neb. Rev. Stat. § 43-2404.02 (b). This fund encourages the provision of appropriate preventive, diversionary, alternatives for juveniles, as well as better coordination of the juvenile services system. The statute specifically outlines funding particular activities, including diversion. Specifically, lawmakers intended the CBA funding to be set aside for

> "programs for local planning and service coordination; screening, assessment, and evaluation; diversion; alternatives to detention; family support services; treatment services; truancy prevention and intervention programs; pilot projects approved by the commission; payment of transportation costs to and from placements, evaluations, or services; personnel when the personnel are aligned with evidence-based treatment principles, programs, or practices; contracting with other state agencies or private organizations that provide evidence-based treatment or programs; preexisting programs that are aligned with evidence-based practices or best practices; and other services that will positively impact juveniles and families in the juvenile justice system." (Neb. Rev. Stat. § 43-2404.02(b)).

Juvenile diversion programs fulfill many of the requirements outlined in Neb. Rev. Stat. § 43-2404.02. Consequently, most of Nebraska's programs are funded through CBA. In Nebraska, the county attorney has statutory authority to create a diversion program, with the approval of the county board (Neb. Rev. Stat. § 43-260.02). State law also outlines that, in referring youth to diversion, county attorneys should consider the juvenile's age, the nature of the offense, the role of the youth in committing the offense, the youth's history and future risk, and the recommendation of the referring agency, victim, and advocates (Neb. Rev. Stat. § 43-260.04). Juvenile diversion programs are voluntary, in which youth charged with a minor offense are diverted from the juvenile justice system to a continuum of requirements and services. If the youth successfully completes the diversion program, then the case is dismissed or not filed in court (Nebraska Juvenile Pretrial Diversion Guidelines, 2015).

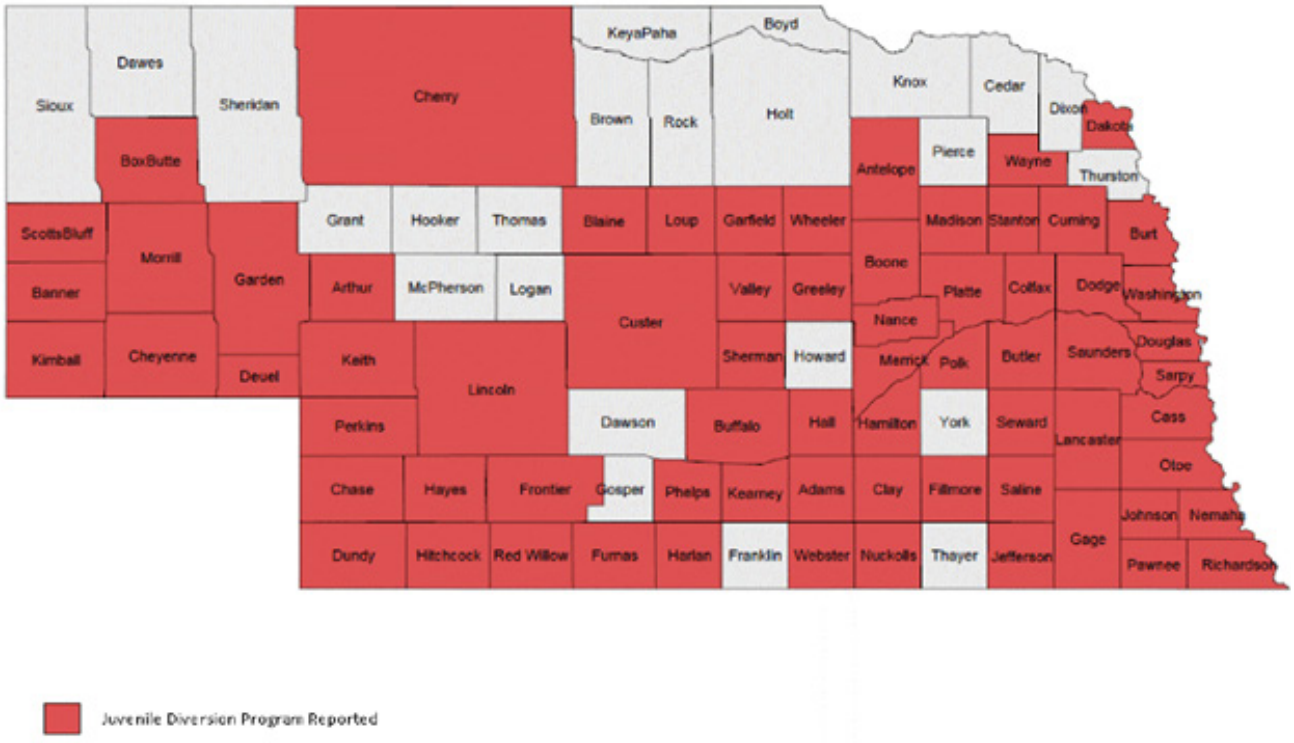
State statute (Neb. Rev. Stat. § 43-260.03) has identified four goals of diversion:

(a) To provide eligible juvenile offenders with an alternative program in lieu of adjudication through the juvenile court;
(b) To reduce recidivism among diverted juvenile offenders;
(c) To reduce the costs and caseload burdens on the juvenile justice system and the criminal justice system; and
(d) To promote the collection of restitution to the victim of the juvenile offender's crime.

Reporting Data in JCMS

Juvenile diversion programs in Nebraska are statutorily required to report data to the Nebraska Commission on Law Enforcement and Criminal Justice (Nebraska Crime Commission or NCC). This requirement is fulfilled when programs enter youth information into the Juvenile Case Management System (JCMS). According to the Diversion Administrator's FY2015 annual report to the governor and legislature, 69 of 93 counties in Nebraska, or 74%, reported having a juvenile diversion program (an increase from 57 counties in FY2013 and 62 counties in FY2014). Only 58 of these counties reported into the Juvenile Case Management System in FY2015 (Juvenile Diversion in Nebraska, 2016). Figure 2 indicates the counties with diversion programs during FY2015.

Figure 2. Juvenile Diversion Programs in Nebraska 2015



Source: Juvenile Diversion in Nebraska (2016)

Between 2012 and 2015, Nebraska experienced a great deal of juvenile justice reform aimed at diverting youth from the juvenile justice system; therefore, we would expect an increase in the number of youth being offered diversion from 2012 to 2015. The data displayed in Table 1 demonstrates that while some counties did see an increase over time, other counties experienced a decrease in youth referred over time. Without law enforcement data for comparison, however, we are unable to determine whether youth are being referred to early preventative efforts, as the reform efforts require.

Some counties did not report in JCMS within a given year. This may have been for one of three reasons: (1) the diversion program did not exist, (2) the program existed but did not serve any youth, or (3) the program did not comply with the statutory requirement to report youth served in diversion programs.

Table 1: Juvenile Cases Within Each County by Fiscal Year				
	2012 to 2013	2013 to 2014	2014 to 2015	Total
Adams County	38	39	53	130
Antelope County	2	5	8	15
Boone County	2	3	1	6
Box Butte County	7	7	1	15
Buffalo County	153	154	320	627
Burt County	0	0	5	5
Butler County	21	16	18	55
Cass County	0	0	2	2
Chase County	3	3	8	14
Cherry County	0	0	1	1
Cheyenne County	9	17	10	36
Clay County	2	1	2	5
Colfax County	45	76	33	154
Cuming County	15	10	5	30
Custer County	0	0	13	13
Dakota County	25	30	73	128
Deuel County	9	1	0	10
Dodge County	29	58	77	164
Douglas County	1,341	1,251	1,301	3,893
Dundy County	3	6	0	9
Fillmore County	7	2	3	12
Frontier County	0	1	3	4
Furnas County	5	9	0	14
Gage County	23	27	68	118
Garfield County	0	4	4	8
Hall County	236	235	260	731
Hamilton County	0	0	3	3
Harlan County	0	5	9	14
Hayes County	0	2	1	3
Hitchcock County	7	3	1	11
Jefferson County	4	5	12	21
Johnson County	1	4	4	9
Kearney County	0	0	4	4
Keith County	15	16	12	43
Kimball County	2	0	3	5
Lancaster County	795	523	568	1,886
Lincoln County	82	102	93	277
Madison County	82	176	127	385
Merrick County	22	15	27	64
Nance County	0	4	16	20
Nemaha County	0	7	3	10

Otoe County	63	49	35	147
Pawnee County	0	4	7	11
Perkins County	8	4	6	18
Phelps County	1	4	6	11
Platte County	109	101	162	372
Polk County	1	5	0	6
Red Willow County	27	9	15	51
Richardson County	0	2	6	8
Saline County	6	8	9	23
Sarpy County	658	566	525	1,749
Saunders County	64	65	64	193
Scotts Bluff County	109	64	53	226
Seward County	34	41	49	124
Sherman County	9	6	3	18
Stanton County	0	2	0	2
Washington County	10	0	0	10
Wayne County	3	2	2	7
Webster County	0	7	4	11
York County	8	3	5	16
Total	**4,095**	**3,759**	**4,103**	**11,957**

Law or Status Violations

Across all referrals, there were a total of 15,378 law or status violations. The twenty most frequent violations are presented in Table 2. The most common violation was for shoplifting (16.5%), followed by minor in possession (11.9%), and then possession of marijuana (9.3%). Note that the number of law or status violations is an under-estimate of the total number of violations because in 350 cases data, were missing, that is - programs failed to indicate the law or status violations for those referrals.

Table 2: Twenty Most Frequent Law or Status Violations		
	Frequency	Percent
Shoplifting	2,535	16.5%
Minor in Possession	1,824	11.9%
Marijuana Possession	1,432	9.3%
Assault	1,245	8.1%
Possession of Paraphernalia	1,104	7.2%
Truancy	978	6.4%
Criminal Mischief	906	5.9%
Traffic Offense	745	4.8%
Theft by Unlawful Taking	667	4.3%
Disturbing the Peace	480	3.1%
Trespassing	511	3.3%
Disorderly Conduct	468	3%
Tobacco; Use by Underage	214	1.4%
Larceny	203	1.3%
Obstructing Police	172	1.1%
Curfew	131	0.9%
False Report	146	0.9%
Ungovernable	102	0.7%
Violation of Curfew	96	0.7%
Vandalism	90	0.6%
All others	1,329	8.6%
Total	**15,378**	**100%**

Referrals to Diversion Programs

Referral Case Type

The majority of cases (87.0%) referred to diversion from 2012 to 2015 involved a law violation (n = 10,403); 4.8% for attendance issues (n = 573); 3.5% as a warning (n = 421) and 4.7% were companion cases (n = 560). Warning cases are cases in which youth and families are sent a warning letter but do not formally enroll in a diversion program. Companion cases are cases in which a youth, who is already on diversion, receives a new legal violation, and the new legal violation becomes part of the initial referral. Although this terminology is unique to Douglas County, other counties have a similar practice. In other counties the new law violations are not designated as "companion cases," and are simply combined with the original case. Youth with new violations while on diversion are further discussed below with results discussed by youth rather than by referral.

Referral Source

From July 1, 2012 to June 30, 2015, there were a total of 11,957 cases referred to juvenile diversion programs in Nebraska. The county attorney was the most frequent referring agency (60.1%), followed by law enforcement (18.5%)[1] and city attorneys (17.8%). A smaller proportion of cases were referred by schools and other counties (Table 3). Cases are often referred from other counties if the referring county does not have a diversion program or for the convenience of the youth and family.

Table 3: Referral Sources for Each Referral to Diversion		
	Frequency	**Percent**
County Attorney	6,850	57.3
Law Enforcement	2,458	20.6
City Attorney	2,199	18.4
School	390	3.3
Other County	37	0.3
Other	20	0.2
Unspecified	3	0.0
Total	**11,957**	**100.0**

Referral by Offense

On average, youth referrals included an average of 1.35 law or status violations (SD = 0.77) and ranged from 1 to 17 charges in a single referral. In the majority of cases, however, the number of violations referred to diversion was 1 (n = 8,156). If a youth had more than one violation, we coded for the youth's most serious violation into four categories guided by state statutes: (1) felony (person, property, drugs, weapons, other), (2) misdemeanor (person, property, drugs, weapons, other), (3) status offense, and (4) other offense (i.e., traffic, violations of court orders). Overall, the majority of youth's most serious offense was a misdemeanor (n = 9,894, 82.7%), with fewer having felony-level charges (n = 189, 1.6%).

Table 4: Most Serious Offense Within Each Referral		
	Frequency	**Percent**
Felony	189	1.6
Misdemeanor	9,894	82.7
Status	1,095	9.2
Other	334	2.8
Missing	445	3.7
Total	**11,957**	**100**

1 After completing the analysis for referral source, the authors learned that Douglas County referral sources may have inadvertently been entered into JCMS as being referred from law enforcement instead of the county attorney. As such, the values for law enforcement may be over-estimated and the values for county attorney may be under-estimated.

Referral by Gender

Approximately 39.9% (n = 4,771) of referrals during this time frame were for female youth and 60.1% (n = 7,187) of the referrals were for male youth.

4,771 7,187

Referral by Age

Table 5 presents the frequency of referrals for each age. Age at the time of referral ranged from age 5 to 17, with a mean age of 15.06 (SD = 1.78). The most frequent age at the time of referral was 16 (24.5%). All youth ages 5 and 6 were referred for attendance issues. For those aged 8 and older, referrals consisted of all case types.

Table 5: Frequency for Age by Referral		
Age	**Frequency**	**Percent**
17	2,717	22.7
16	3,079	25.8
15	2,359	19.7
14	1,697	14.2
13	1,047	8.8
12	599	5
11	246	2.1
10	102	0.9
9	46	0.4
8	20	0.2
7	19	0.2
6	14	0.1
5	5	0.1
Not Specified	7	0.1
Total	**11,957**	**100.0**

Referral by Age and Gender

On average, females referred to diversion were slightly older (15.2 years old) compared to males referred to diversion (15.0 years old). Statewide, there have been discussions that reform efforts have led to an increase in older youth being referred to diversion. However, when we examined the average age by year, there were only slight fluctuations in the age of youth and it does not appear that the average age of youth being referred to diversion has changed over the past three years.

Referral by Race and/or Ethnicity

Most youth referred to diversion were White (n = 7,177; 60.0%), followed by Hispanic (n = 2,078; 17.4%) and Black/African American (n = 1,968; 16.5%). In some instances, race and/or ethnicity was not specified (n = 342; 2.9%). Fewer youth were American Indian/Alaskan Native (n = 175; 1.5%), Asian (n = 108; 0.9%), Other race (n = 66; 0.6%), Multiple races (n = 22; 0.2%), and Native Hawaiian/Pacific Islander (n = 21; 0.2%).

When we compared the race of youth referred to diversion to the racial and ethnic composition of Nebraskan youth of the same age (5-17), data indicated that White youth were underrepresented in diversion (i.e. less likely to be referred to diversion); while Black youth are referred to diversion at twice the rate at which they appear in the population (more likely to be diverted). Asian and Native American youth are also under represented in diversion (Table 6).

Table 6: Nebraska Population Ages 5-17 Compared to Population Referred to Diversion

	Nebraska		Diversion	
	Frequency	**Percent**	**Frequency**	**Percent**
White	245,725	73.0%	7,177	60.0%
Black	26,182	7.8%	1,968	16.5%
Hispanic	47,791	14.2%	2,078	17.4%
Asian	9,184	2.7%	108	0.90%
Native American	7,549	2.2%	175	1.5%
Other or Multiple Races	—	—	21	0.02%
Total	**336,431**	**100.0%**	**11,527**	**100.0 %**

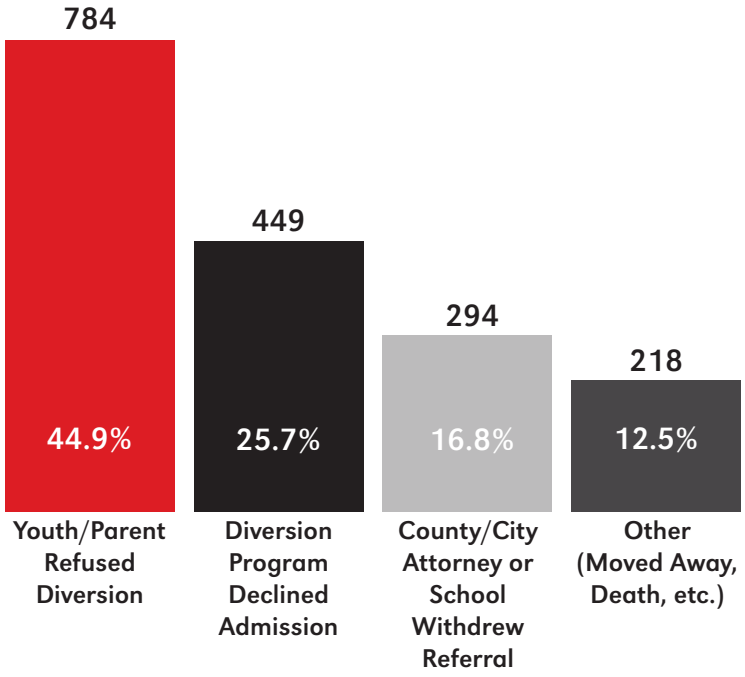
Ideally, we would compare data on law enforcement contacts to diversion referrals, but this data is not readily and uniformly available at the state level. As such, it is unclear why Black youth are over-represented in referrals to diversion. One reason may be that Black youth are more likely to receive a citation than youth of other races and/or ethnicities. Another explanation may be due to systematic disproportionate contact in each stage of the criminal justice system. Further research is necessary to explore this phenomenon.

Diversion Program Outcome Measures

Program Completion

First, we examined reasons youth were discharged from diversion. Of the 11,957 referrals to diversion programs, discharge reason was included for 11,409 cases. In 908 of the cases (7.6%), discharge reason was missing, which may have been due to failure to close cases or cases that were still active. To examine diversion program completion, we divided the sample by discharge reasons for youth who did enroll and discharge reasons for youth who did not enroll (i.e., reasons a case was closed). Of the 1,745 youth not enrolled (Figure 3), the discharge reasons were due to youth/parent refusal (44.9%, n = 784), declined admission by diversion (25.7%, n = 449), or the referral was withdrawn by county/city attorney or school (16.8%, n = 294).

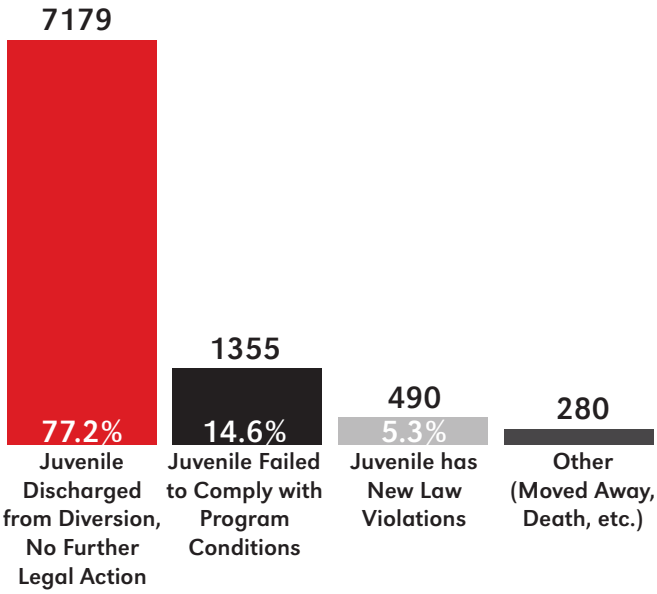
Figure 3. Discharge Reason for Youth Not Enrolled in Diversion (n = 1,745)



Of the 9,304 youth enrolled (Figure 4), 77.2% (n = 7,179) of youth completed diversion and were discharged without further legal action (i.e., the case was not filed). Of those that did not successfully complete the program, 14.6% (n = 1,355) failed to comply with the program conditions and 5.3% (n = 490) received a new law violation while on diversion.

In the remaining cases, the discharge reason was indicated as "other (moved away, death, etc.)". It is not clear from this discharge code whether youth were enrolled or not enrolled, therefore we examined whether the youth had an intake or enrolled date. In 218 cases (12.5%), a youth was discharged for "other" without an intake or enrolled date and these were assumed to be youth who did not enroll (and included as part of the 1,745 youth not enrolled). In 278 cases (3.0%), there was an intake or enroll date and these cases were assumed to be youth who did enroll (and included as part of the 9,304 youth enrolled). These figures, however, may be misleading because programs may have failed to enter an intake date despite youth being enrolled.

Figure 4. Discharge Reason for Youth Enrolled in Diversion (n = 9,304)



Discharge by Fiscal Year

Overall, discharge reasons have remained fairly consistent across the three fiscal years. Although referrals were lower in 2013 to 2014, in all three time periods approximately two-thirds of youth who are referred (of both those who enrolled and those who were not enrolled) are successfully discharged from diversion. As Table 7 illustrates, on average 60% of cases referred to diversion are successfully diverted out of the official court process.

Table 7: Percent of Referrals Within Each Fiscal Year by Discharge Reason			
	2012 to 2013	2013 to 2014	2014 to 2015
Juvenile Discharged from Diversion, No Further Legal Action	60%	59%	61%
Juvenile Failed to Comply with Program Conditions	11%	12%	11%
Juvenile had New Law Violation	4%	4%	4%
Youth/Parent Refused Diversion	8%	6%	6%
Diversion Program Declined Admission	3%	4%	4%
County/City Attorney or School Withdrew Referral	3%	2%	2%
Other (Moved Away, Death, etc.)	4%	6%	3%
Unspecified/Missing	8%	6%	9%
Total Referrals	4,095	3,759	4,103

Discharge by County

The following three tables display the frequency of discharge reasons for each county by youth enrolled in the program (Table 8), youth not enrolled in the program (Table 9), and those where discharge was unspecified (Table 10). "Other" cases were divided between enrollment and not enrollment, depending on whether they had an enrollment or intake date. Unspecified cases are included separately in Table 10 because these were either cases that were still open or those that did not have a discharge reason.

Reasons Youth Are Discharged After Enrollment

As Table 8 indicates, overall success rates varied across all counties and ranged from 50% to 100% (n = 9,304). Fewer youth failed to meet the program conditions (ranged from 0% to 27%) or had youth with a new law violation (ranged from 0% to 100%). One reason programs may have higher or lower rates of program compliance may be due to the number of youth served; another reason may be the type of requirements and/or the number of requirements youth have for completing diversion. The variability in the number of youth discharged for a new law violation may be due to differences between programs in policies for how to handle youth who get a new law violation while on diversion—some programs discharge youth while other programs merge the new law violation into the current occasion in diversion.

Table 8: Discharge Reason for Enrolled Youth by County

	Discharged from Diversion, No Further Legal Action	Failed to Comply with Program Conditions	New Law Violation	Other (Moved, Death, etc.)	Total Number Enrolled
Adams County	83%	14%	3%	0%	126
Antelope County	86%	7%	7%	0%	14
Boone County	67%	0%	33%	0%	6
Box Butte County	86%	14%	0%	0%	7
Buffalo County	82%	11%	7%	1%	461
Burt County	100%	0%	0%	0%	5
Butler County	81%	8%	11%	0%	37
Cass County	100%	0%	0%	0%	2
Chase County	92%	8%	0%	0%	12
Cherry County	100%	0%	0%	0%	1
Cheyenne County	97%	3%	0%	0%	35
Clay County	80%	20%	0%	0%	5
Colfax County	85%	14%	1%	0%	111
Cuming County	93%	3%	3%	0%	30
Custer County	89%	11%	0%	0%	9
Dakota County	88%	6%	5%	1%	108
Deuel County	90%	10%	0%	0%	10
Dodge County	83%	8%	9%	1%	164
Douglas County	78%	20%	1%	0%	2,820
Dundy County	100%	0%	0%	0%	9
Fillmore County	73%	27%	0%	0%	11

Frontier County	100%	0%	0%	0%	2
Furnas County	100%	0%	0%	0%	14
Gage County	77%	9%	13%	1%	113
Garfield County	100%	0%	0%	0%	1
Hall County	79%	9%	12%	0%	625
Hamilton County	100%	0%	0%	0%	3
Harlan County	100%	0%	0%	0%	13
Hayes County	100%	0%	0%	0%	3
Hitchcock County	100%	0%	0%	0%	10
Jefferson County	89%	0%	0%	11%	18
Johnson County	100%	0%	0%	0%	7
Kearney County	100%	0%	0%	0%	3
Keith County	100%	0%	0%	0%	43
Kimball County	50%	0%	25%	25%	4
Lancaster County	69%	14%	11%	7%	1,585
Lincoln County	80%	7%	11%	1%	216
Madison County	52%	9%	5%	34%	380
Merrick County	84%	7%	9%	0%	58
Nance County	88%	13%	0%	0%	16
Nemaha County	100%	0%	0%	0%	4
Otoe County	94%	4%	1%	1%	135
Pawnee County	100%	0%	0%	0%	6
Perkins County	94%	6%	0%	0%	17
Phelps County	100%	0%	0%	0%	5
Platte County	83%	10%	5%	2%	321
Polk County	100%	0%	0%	0%	6
Red Willow County	90%	8%	2%	0%	48
Richardson County	88%	13%	0%	0%	8
Saline County	86%	9%	5%	0%	22
Sarpy County	76%	19%	3%	2%	1,216
Saunders County	83%	13%	3%	2%	119
Scotts Bluff County	84%	8%	9%	0%	158
Seward County	79%	15%	7%	0%	89
Sherman County	86%	14%	0%	0%	14
Stanton County	0%	0%	100%	0%	1
Washington County	100%	0%	0%	0%	10
Wayne County	86%	14%	0%	0%	7
Webster County	90%	10%	0%	0%	10
York County	91%	0%	0%	9%	11

Reasons Youth Fail to Enroll and Efficient Case Processing

Table 9 illustrates the reasons a youth may not enroll in diversion and other case processing information. The column on the far right indicates the number of youth who did not enroll in that county and the percentages in each column display the percentage of youth who did not enroll for that reason within all youth who did not enroll. For instance, Adams County had 4 youth who did not enroll with 1 youth who did not enroll for youth or parent refusal (25%) and three (75%) who did not enroll because the referral was withdrawn.

Youth failed to enroll in a diversion program for a variety of reasons (n = 1,745). To encourage youth to divert out of the system, programs should examine the primary reason cited for failure to enroll. If youth and parents are opting not to enroll, the program may want to examine the cost of the program and the hours of operation. If the diversion program is consistently declining the case and returning it to the referral agency, then the eligibility guidelines should be examined with the referral source. Similarly, if the referral agency is sending the case and then requesting it back, the individual reasons for returning it should be examined.

Table 9: Discharge Reason for Youth Not Enrolled by County

	Youth/Parent Refused	Program Declined Admission	County/City Attorney or School Withdrew Referral	Other (Moved, Death, etc.)	Total Number Not Enrolled
Adams County	25.0%	0.0%	75.0%	0.0%	4
Antelope County	100.0%	0.0%	0.0%	0.0%	1
Boone County	0.0%	0.0%	0.0%	0.0%	0
Box Butte County	0.0%	0.0%	0.0%	0.0%	0
Buffalo County	29.5%	66.9%	3.6%	0.0%	166
Burt County	0.0%	0.0%	0.0%	0.0%	0
Butler County	66.7%	16.7%	11.1%	5.6%	18
Cass County	0.0%	0.0%	0.0%	0.0%	0
Chase County	0.0%	0.0%	0.0%	0.0%	0
Cherry County	0.0%	0.0%	0.0%	0.0%	0
Cheyenne County	0.0%	0.0%	100.0%	0.0%	1
Clay County	0.0%	0.0%	0.0%	0.0%	0
Colfax County	61.5%	30.8%	7.7%	0.0%	13
Cuming County	0.0%	0.0%	0.0%	0.0%	0
Custer County	0.0%	0.0%	0.0%	0.0%	0
Dakota County	50.0%	0.0%	14.3%	35.7%	14
Deuel County	0.0%	0.0%	0.0%	0.0%	0
Dodge County	0.0%	0.0%	0.0%	0.0%	0
Douglas County	43.4%	21.9%	34.8%	0.0%	581
Dundy County	0.0%	0.0%	0.0%	0.0%	0
Fillmore County	100.0%	0.0%	0.0%	0.0%	1
Frontier County	0.0%	0.0%	0.0%	0.0%	0
Furnas County	0.0%	0.0%	0.0%	0.0%	0

Gage County	0.0%	0.0%	0.0%	0.0%	0
Garfield County	100.0%	0.0%	0.0%	0.0%	3
Hall County	90.5%	1.0%	7.6%	1.0%	105
Hamilton County	0.0%	0.0%	0.0%	0.0%	0
Harlan County	0.0%	0.0%	0.0%	0.0%	0
Hayes County	0.0%	0.0%	0.0%	0.0%	0
Hitchcock County	0.0%	0.0%	100.0%	0.0%	1
Jefferson County	0.0%	0.0%	0.0%	100.0%	3
Johnson County	100.0%	0.0%	0.0%	0.0%	2
Kearney County	0.0%	0.0%	100.0%	0.0%	1
Keith County	0.0%	0.0%	0.0%	0.0%	0
Kimball County	0.0%	0.0%	0.0%	0.0%	0
Lancaster County	0.0%	0.0%	0.0%	100.0%	8
Lincoln County	86.7%	3.3%	5.0%	5.0%	60
Madison County	0.0%	100.0%	0.0%	0.0%	1
Merrick County	33.3%	16.7%	50.0%	0.0%	6
Nance County	50.0%	0.0%	50.0%	0.0%	4
Nemaha County	100.0%	0.0%	0.0%	0.0%	6
Otoe County	100.0%	0.0%	0.0%	0.0%	12
Pawnee County	100.0%	0.0%	0.0%	0.0%	5
Perkins County	100.0%	0.0%	0.0%	0.0%	1
Phelps County	100.0%	0.0%	0.0%	0.0%	1
Platte County	71.4%	25.7%	2.9%	0.0%	35
Polk County	0.0%	0.0%	0.0%	0.0%	0
Red Willow County	0.0%	0.0%	0.0%	0.0%	0
Richardson County	0.0%	0.0%	0.0%	0.0%	0
Saline County	0.0%	100.0%	0.0%	0.0%	1
Sarpy County	26.5%	26.3%	10.3%	37.0%	525
Saunders County	31.1%	66.2%	2.7%	0.0%	74
Scotts Bluff County	90.7%	1.9%	1.9%	5.6%	54
Seward County	96.9%	0.0%	3.1%	0.0%	32
Sherman County	75.0%	25.0%	0.0%	0.0%	4
Stanton County	0.0%	0.0%	0.0%	0.0%	0
Washington County	0.0%	0.0%	0.0%	0.0%	0
Wayne County	0.0%	0.0%	0.0%	0.0%	0
Webster County	100.0%	0.0%	0.0%	0.0%	1
York County	100.0%	0.0%	0.0%	0.0%	1

Unspecified Reasons

Finally, Table 10 includes the number of unspecified discharge reasons. Unspecified discharges could be because a case is still active or could be cases that were inadvertently never closed in JCMS. Programs with higher rates of unspecified cases may want to explore ways to ensure a process of effective case closing.

Table 10: Unspecified Discharge Reasons by County		
	Unspecified	Total Number of Referrals
Adams County	0%	130
Antelope County	0%	15
Boone County	0%	6
Box Butte County	53%	15
Buffalo County	0%	627
Burt County	0%	5
Butler County	0%	55
Cass County	0%	2
Chase County	14%	14
Cherry County	0%	1
Cheyenne County	0%	36
Clay County	0%	5
Colfax County	19%	154
Cuming County	0%	30
Custer County	31%	13
Dakota County	5%	128
Deuel County	0%	10
Dodge County	0%	164
Douglas County	13%	3,893
Dundy County	0%	9
Fillmore County	0%	12
Frontier County	50%	4
Furnas County	0%	14
Gage County	4%	118
Garfield County	50%	8
Hall County	0%	731
Hamilton County	33%	3
Harlan County	0%	14
Hayes County	0%	3
Hitchcock County	0%	11
Jefferson County	0%	21
Johnson County	0%	9
Kearney County	0%	4
Keith County	0%	43

Kimball County	20%	5
Lancaster County	16%	1,886
Lincoln County	0%	277
Madison County	1%	385
Merrick County	0%	64
Nance County	0%	20
Nemaha County	0%	10
Otoe County	0%	147
Pawnee County	0%	11
Perkins County	0%	18
Phelps County	45%	11
Platte County	4%	372
Polk County	0%	6
Red Willow County	6%	51
Richardson County	0%	8
Saline County	0%	23
Sarpy County	0%	1,749
Saunders County	0%	193
Scotts Bluff County	6%	226
Seward County	2%	124
Sherman County	0%	18
Stanton County	50%	2
Washington County	0%	10
Wayne County	0%	7
Webster County	0%	11
York County	25%	16

Time Spent in Diversion Programs by County

For youth who had both an intake/enroll date and a discharge date (n = 8,988), we calculated the number of days in diversion programs. The fewest number of days a youth was in diversion was 1 day, and the most number of days a youth was in diversion was 853 days. Although it is possible a youth was enrolled for 853 days, this is highly improbable and may be due to data entry error. Of the 8,732 youth enrolled in diversion for at least 1 day, on average, youth spent 126.43 (SD = 82.13) days in diversion programs from intake date to discharge date.

The number of days each youth spent in diversion programs varied by county. Table 11 includes the number of youth with both intake and discharge dates, the mean number of days in the diversion program, and the standard deviation. Larger standard deviations indicate more variability in the number of days each youth spent in the program, while smaller standard deviations indicate less variability in the number of days each youth spent in diversion. Standard deviations are not calculated when the N value is one because there is no variability.

Table 11: Mean Number of Days Youth Spent in Diversion Programs by County

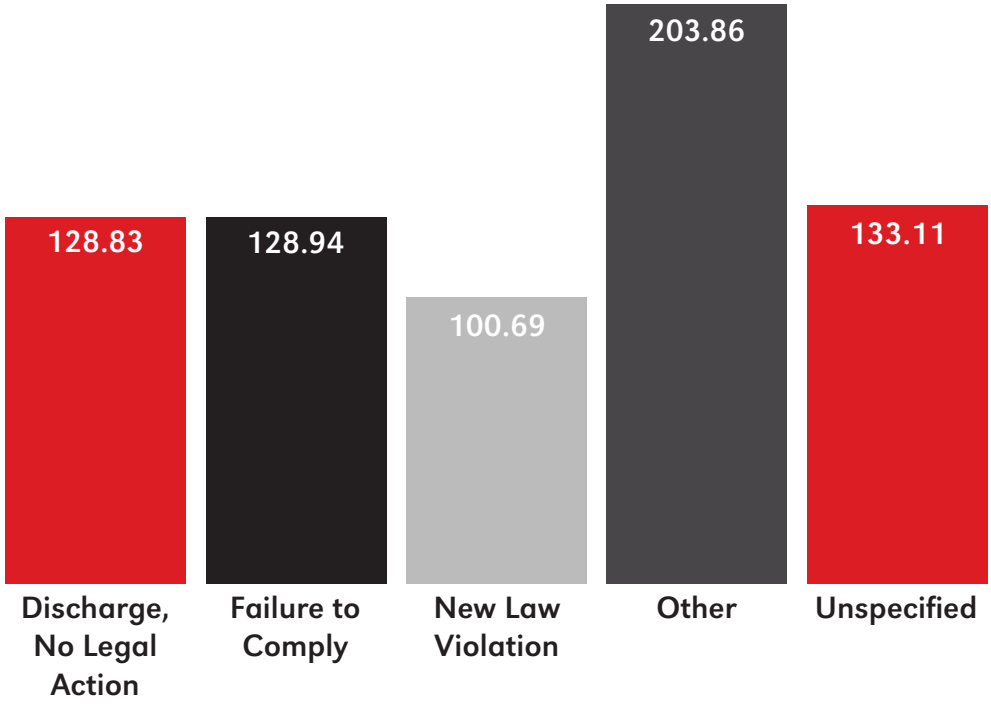
	N	*M*	*SD*
Adams County	124	93.53	40.93
Antelope County	8	188.25	11.47
Boone County	1	322.00	–
Box Butte County	6	163.67	61.73
Buffalo County	518	80.54	77.78
Burt County	5	151.00	47.08
Butler County	49	160.47	123.30
Cass County	2	313.00	12.73
Chase County	14	106.57	52.24
Cheyenne County	28	125.82	91.88
Clay County	4	140.75	100.02
Colfax County	120	138.96	101.76
Cuming County	30	79.53	60.13
Custer County	10	212.70	106.06
Dakota County	85	147.68	71.47
Dodge County	159	105.09	49.15
Douglas County	2,423	101.44	57.70
Dundy County	9	225.33	208.75
Fillmore County	12	81.83	26.30
Frontier County	2	32.00	11.31
Furnas County	14	96.57	44.33
Gage County	112	229.73	109.05
Garfield County	5	217.80	74.78
Hall County	649	150.08	71.55
Hamilton County	3	180.67	42.00
Hayes County	3	122.33	49.01
Hitchcock County	11	153.64	68.35

Jefferson County	16	57.44	19.59
Johnson County	5	66.80	45.31
Kearney County	1	232.00	–
Keith County	20	192.15	99.00
Kimball County	2	41.00	4.24
Lancaster County	1,591	122.89	72.55
Lincoln County	219	149.53	71.18
Madison County	379	191.63	177.71
Merrick County	59	117.95	73.58
Nance County	17	113.00	65.62
Nemaha County	3	105.33	58.31
Otoe County	142	89.57	51.45
Pawnee County	6	89.33	32.20
Perkins County	8	92.00	20.07
Phelps County	2	130.50	21.92
Platte County	355	81.94	57.90
Polk County	6	62.67	21.02
Red Willow County	49	176.57	84.43
Richardson County	6	48.67	12.93
Saline County	5	78.60	13.45
Sarpy County	1,250	139.73	71.12
Saunders County	142	129.55	95.88
Scotts Bluff County	154	126.29	90.05
Seward County	106	192.05	119.72
Sherman County	15	142.73	75.91
Stanton County	1	84.00	–
Wayne County	7	73.57	18.90
Webster County	11	101.09	61.89
York County	3	94.00	40.11
Total	**8,575**	**122.83**	**83.64**

Time Spent in Diversion by Discharge Reason

In addition, we examined how time in diversion may differ by the discharge reason for youth enrolled for at least 1 day (Figure 5) using Analysis of Variance (ANOVA), which compares whether differences in means are statistically different. The ANOVA results found that the time spent in diversion was statistically different by discharge reasons [$F(7, 8724) = 101.82$, $p<.001$]. Overall, youth successfully discharged, on average, participated in diversion programs for 128.83 days (SD = 67.97). On the other hand, youth who failed to comply with the program's requirements participated in diversion programs for 128.94 days (SD = 83.70) and those discharged with a new law violation participated in diversion programs for 100.69 days (SD = 81.64). Youth who were discharged for "other" reasons, which includes moving away or death, had the longest time in diversion (203.86 days, SD = 216.90). Results for "other" reasons, however, may be due to some outlying cases that occurred as a result of moving away because the standard deviation is quite large, which indicates variability within time spent in diversion for "other" cases.

Figure 5. Mean Number of Days in Diversion Programs by Discharge Reason



Recidivism Outcome Measures

Tracking Recidivism

According to a 2015 survey conducted by the Nebraska Crime Commission Juvenile Diversion Administrator, almost 46% of the 35 juvenile diversion programs that responded to the survey do not track any data on recidivism. Of the 19 programs that do, there is not a consistent process of tracking recidivism across programs. Some track recidivism as a return to diversion (20% track to see if the youth has been referred to diversion a second time). Twelve diversion programs (34.3%) work with other juvenile justice providers, like the county attorney and probation, to see if the youth has a new law violation.

The definition of what is considered recidivism also varies. Some programs examine whether the youth has a new violation that is similar in nature to the diversion referral. Other programs are quite broad and include "getting into trouble with school, law enforcement, court, any time after taking diversion." Some programs only examine whether the youth has contact with the juvenile justice system (i.e. has a law violation) and they specifically exclude traffic and status offenses. Another important distinction is that many programs only examine the youth who were successfully discharged. When asked about the time frame that they examine for recidivism, the range was 6 months to 2 years.

Perhaps the most difficult obstacle for collecting reliable recidivism data is that many juvenile records are sealed. According to a discussion with the Nebraska Court Administrator's Office, a quarter of all juvenile cases are eventually sealed. Consequently, any analysis that does not include sealed cases will be substantially under-counted. The Juvenile Justice Institute requested and received permission through the Nebraska Courts and the Nebraska Supreme Court, to ensure that we captured accurate information on new law violations. In the sections below, we include a number of ways that we defined recidivism.

Internal Recidivism – Youth Referred to Diversion More Than Once

One measure of recidivism is whether youth referred to a diversion program have subsequent referrals to diversion. Programs across Nebraska may handle these cases in one of two ways: discharge the youth from the program for the new law violation (reported above) or treat the new law violation as part of the current diversion case. In cases where the youth was not discharged and instead the new law violation became part of the current case, we coded these as a single referral (or time in diversion). Overall, 469 of the referrals were for youth who were already in the diversion program, and we treated those referrals as part of the same occasion in diversion. The referrals were only counted as a single referral if the discharge dates were identical; thus, some referrals that may have been close in date but were not identical would not be included in that number (despite, for instance, being marked as a companion case in Douglas County). On average, youth with additional referrals that were counted as a single diversion occasion had 1.41 additional law or status violations (SD = 0.84) and ranged from 1 to 7 new law or status violations.

As a measure of internal recidivism, we also examined youth referred to diversion on separate occasions with different discharge dates. Of the 11,957 referrals, a total of 10,518 youth were referred to diversion programs in Nebraska from July 1, 2012 to June 30, 2015. The difference between the total number of referrals and the total number of youth is a result of youth who were referred to a diversion program more than once. The majority of the youth have only been referred to diversion one

time (93.8%, n = 9,869). While some youth have been referred twice (5.9%, n = 616), three times (0.3%, n = 29), four times (0.1%, n = 3), and one youth was referred five times (0.1%, n = 1).

Table 12 displays the frequency with which youth referrals resulted in actual enrollment in the program. Again, enrollment in the program was defined as cases with either a successful discharge, an unsuccessful discharge by failure to meet program requirements, a new law violation, or youth discharged as "other" but who had an enrollment or intake date.

Table 12: Number of Times Youth Enrolled Within the Number of Referrals

	Number of Referrals					
	1	2	3	4	5	Total
Never enrolled	2,076	91	5	1	0	2,173
Enrolled once	7,793	196	13	2	0	8,004
Enrolled twice	0	329	9	0	1	339
Enrolled three times	0	0	2	0	0	2
Total	**9,869**	**616**	**29**	**3**	**1**	**10,518**

In examining the 616 youth who were referred to a diversion program twice, 329 youth were actually enrolled in a diversion program twice (see Table 13). Approximately 59.6% (n = 175) of the youth who participated in the program twice successfully completed the program both times; 18.5% (n = 61) failed the program conditions or had a new law violation the first occasion in diversion, but then were successfully discharged during the second occasion in diversion; 3.4% (n = 10) successfully completed the program the first occasion, but then failed to comply or had a new law violation the second occasion; and 4.6% (n = 15) failed to comply or had a new law violation on both occasions. Of the 616 youth with two referrals, the majority of referrals (74.7%, n = 460) were within the same county.

Table 13: Discharge Reasons for Youth Who Participated in Diversion Twice

First Time in Diversion	Second Time in Diversion		
	Discharged, No Further Legal Action	Failed Program Conditions	New Law Violation
Discharged, no further legal action	175	6	4
Failed program conditions	51	11	2
New law violation	10	1	1

For the one youth with five referrals, the youth was enrolled twice, and the other three times the youth was declined admission by the program. These referrals were across the same county all five times.

For the three youth with four referrals, one youth never enrolled (the diversion program declined admission all four times); the other two youth enrolled once and then the program declined admission or withdrew the referral for the remaining three referrals. For youth with four referrals, two of these were across the same county. For the 29 youth with three referrals, 16 enrolled in the program at least once and 13 never enrolled. For youth with three referrals, 22 of these were across the same county.

Describing the circumstances for youth with more than two referrals, however, was complicated by issues such as uncertainty for whether these referrals were the same case moving across court

systems. As such, we did not speculate on whether these subsequent referrals should be considered new law violations or count as recidivism.

As a measure of internal recidivism, we also examined the amount of time between referrals for the first and second occasion in diversion for youth referred twice (see Table 14). On average, there were 330.72 days (SD = 231.29) between referrals. We compared whether youth who were successfully discharged at occasion 1 significantly differed in the amount of time between referrals. Using Analysis of Variance (ANOVA), which compares whether differences in means are statistically different, the results indicated that youth who were successfully discharged from diversion had significantly more time before a new referral than all other discharge types, excluding unspecified discharge reasons for which they were statistically similar [$F(7,603) = 6.73$, $p<.001$]. One or more referral dates were missing for eight cases and time between referrals could not be calculated.

Table 14: Mean Days from Discharge to New Referral for Youth Referred to Diversion Twice

	N	*M*	*SD*
Discharged, no further legal action	347	379.19**	220.63
Failed program conditions	54	250.59**	238.71
New law violation	29	280.90**	259.96
Youth/parent refused	48	240.42**	228.84
Diversion program declined admission	29	258.86**	241.34
Withdrew referral	19	220.26**	258.09
Other	38	232.97**	217.12
Unspecified	47	355.96**	203.78
Total	**611**	**330.72****	**232.95**

Note: ** indicates values that are statistically different from the successful discharge

External Recidivism – Youth with a New Law Violation Following Diversion

Methodology

The Juvenile Justice Institute is statutorily charged with calculating recidivism for youth who participate in diversion programs. Recidivism for youth was calculated using Nebraska's JUSTICE system, which allows for online access to the Nebraska State Trial Court case information. We requested a data extract from JUSTICE to include all juvenile and adult misdemeanor and felony cases between July 1, 2012 and December 31, 2015, including cases that were sealed. Adult cases (up to aged 21 at the time of filing) were also requested from JUSTICE so that we could calculate recidivism for youth who may have participated in diversion when they were almost 18 years old (i.e., a 3-year follow-up period).

The JUSTICE extract, which is structured at the charge-level, contained 173,708 charges over the three-year period. We removed all cases that were dismissed. We removed cases with specific types of charges including, traffic charges that would not apply for Supreme Court definition of recidivism for either adults or juveniles. We also removed less serious offenses including fireworks charges, animal-related charges, and charges related to park violations (i.e., not have park registration).

Next, we identified any exact matches in JUSTICE (i.e., unique people with multiple cases) using first name, middle name, last name, and date of birth. Using this list, we used the Center for Disease Control's Link Plus Software version 2.0 that utilizes probabilistic record linkage for deduplicating data using first name, middle name, last name, and date of birth.

Once the matches were reconciled in the database as the same individuals, then we matched those individuals to the youth who participated in Diversion within the three-year period. Again using probabilistic record linkage in the Link Plus software, we matched individuals who participated in diversion to those in the JUSTICE database using first name, middle name, last name, and date of birth.

Lastly, we calculated whether the case should be considered recidivism based on whether the case in JUSTICE came after the youth was discharged from diversion. For calculation purposes, we examined charges that occurred after the discharge date of the most recent time in diversion. This removes youth who were filed on and discharged for new law violation or was the filed on charge for a youth who did not complete diversion successfully.

External Recidivism Results

Recidivism for All Youth Referred to Diversion

A total of 2,377 youth (23.1%) who were referred to diversion programs reoffended following the referral to diversion. Across all three years, the average time for recidivism was 300.10 days (SD = 253.10) with a range of 1 day to 1,243 days. These values include all youth, regardless of whether they enrolled in diversion or whether they successfully completed diversion. We were unable to calculate recidivism for 205 cases (1.9%) that did not have a discharge date indicated; half of these cases were from the most recent fiscal year (n = 103); another 69 from 2013-2014; and 33 from 2012-2013.

Recidivism for Youth Enrolled in Diversion

Next, we calculated recidivism rates for youth who enrolled in diversion during the most recent referral to a diversion program. Recidivism is time-sensitive, therefore, in many of the analyses below we examined recidivism rates by year. Youth referred to a diversion program during the first year for which we have data (FY2012 - 2013), for instance, were tracked for a 2 to 3-year period depending on the discharge date and more opportunity for recidivating. Youth referred to a diversion program in the most recent year of data (FY2014 - 2015), on the other hand, would only have 6 months to 1-year period for calculating recidivism. Table 15 displays the rate of recidivism for each year.

Table 15: Recidivism Rates by Year for All Youth Enrolled in Diversion

	Total Enrolled	Total Recidivated	Percent
FY2012-2013	2,628	917	34.9%
FY2013-2014	2,594	601	23.2%
FY2014-2015	2,957	286	9.7%
Total	**8,179**	**1,804**	**22.1%**

Recidivism by Gender, Race/Ethnicity, and Age

To compare the frequency of youth who recidivated by gender, we used Chi-square analysis, which estimates statistical differences between groups on frequency of occurrence. Chi-square tests indicated

that males recidivated at a higher proportion than females as indicated in Table 16 with the non-matching subscript letters [x^2 (1) = 47.51, p<.001].

Table 16: Recidivism Rates by Gender for All Youth Enrolled			
	Total Enrolled	Recidivated	Within Group Percent
Female	3,337	609_a	18.2%
Male	4,842	1195_b	24.7%

Again using Chi-square to compare group frequencies, results indicated there were some significant differences between racial/ethnic groups as indicated in Table 17 with non-matching subscript letters [x^2 (8) = 53.59, p<.001]. Specifically, Black youth (29.2%) were significantly more likely to recidivate than all other racial/ethnic groups (indicated with subscript a). White youth (20.3%) and Hispanic youth (22.3%) were less likely to recidivate than all other racial/ethnic groups (indicated with subscript b). Caution should be taken, however, with significance tests based on frequencies that are less than 5 including youth with multiple races and Native Hawaiian/Pacific Islander youth.

Table 17: Recidivism Rates by Race/Activity			
	Total Referred	Total Recidivated	Within Group Percent
American Indian, Alaska Native	131	$33_{a, b}$	25.2%
Asian	75	$10_{a, b}$	13.3%
Black, African American	1,142	334_b	29.2%
Native Hawaiian, Other Pacific Islander	13	$3_{a, b}$	23.1%
White	5,255	$1,068_a$	20.3%
Hispanic	1,446	322_a	22.3%
Other Race	50	$13_{a, b}$	26.0%
Multiple Races	20	$4_{a, b}$	20.0%
Unspecified	47	$17_{a, b}$	36.2%

With respect to age, we employed logistic regression to predict whether age at the time of referral to diversion predicted the probability that a youth would recidivate. According to the analysis, older youth were more likely to recidivate than younger youth, such that for every 1 year older, the probability for recidivating increased by .07 [SE = 0.02, Wald x^2 (1) = 17.30, p<.001].

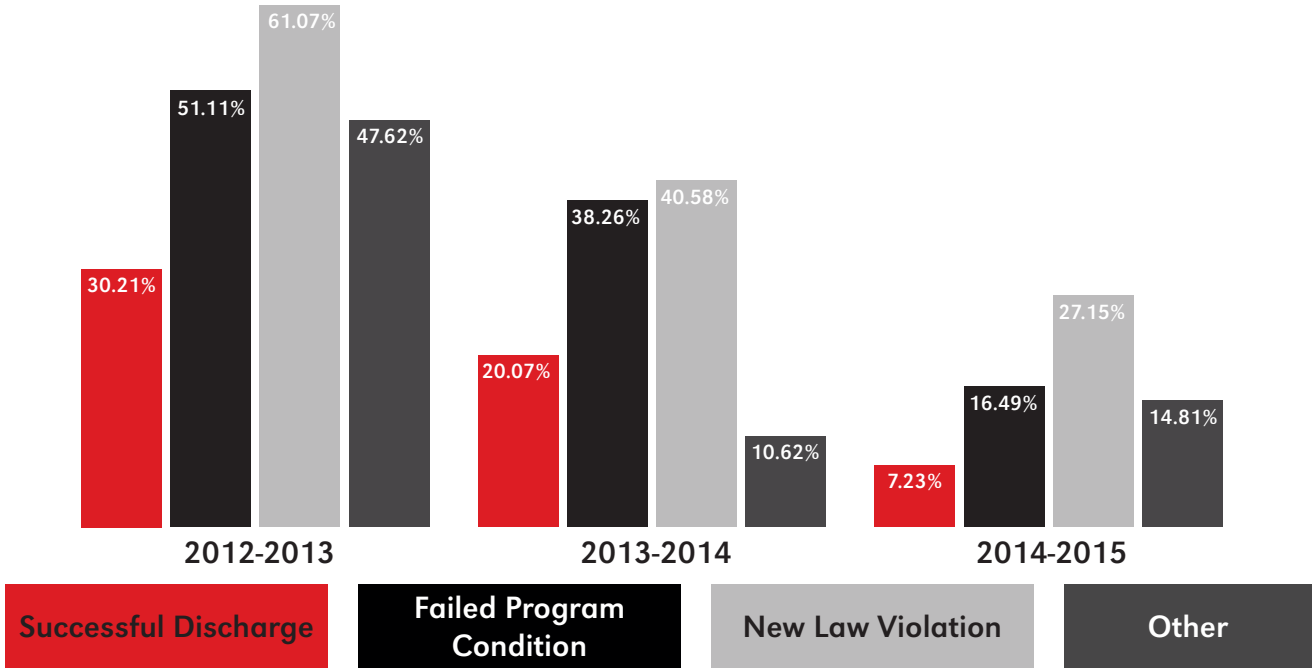
Recidivism by Discharge Reason

Figure 6 displays the recidivism rates by discharge type. Overall, youth successfully discharged had a recidivism rate of 30.2% at 2-3 years post diversion; whereas youth who did not successfully complete diversion recidivated at the rate of 51.1 to 61.1% during the same time frame.

We also compared recidivism rates by discharge reason across the three fiscal years using Chi-square analysis. As would be expected, recidivism rates were highest for the first fiscal year in this sample, and lowest for the most recent fiscal year in the sample. Across all three time periods, rates of recidivism significantly differed by discharge reason [2012-2013 x^2 (3) = 104.37, p<.001; 2013-2014 x^2 (3) = 88.42, p<.001; 2014-2015 x^2 (3) = 91.87, p<.001].

Specifically, youth who were successfully discharged from diversion were significantly less likely to recidivate than those who did not successfully complete the program. This was true whether the youth failed to complete because of a new law violation or failed to meet the program requirements. Youth successfully discharged, however, were equally as likely to recidivate as those who were discharged for "other" reasons. During the first two fiscal years, there were no differences in recidivism rates for youth unsuccessfully discharged with a new law violation or failing to meet the program requirements. In the most recent year, however, data indicated that youth with a new law violation while in diversion were more likely to recidivate than youth who failed to meet the program requirements. Perhaps it is not surprising that youth who break the law while in diversion would have higher recidivism rates subsequent to diversion.

Figure 6. Recidivism Rates for Youth by Discharge Reason Across Three Fiscal Years



Recidivism by Discharge Reason Within Each County

Recidivism rates for youth enrolled in diversion programs were calculated for the first fiscal year (2012-2013) by the county-level for a measure of 2 - 3 years post-diversion. Table 18 displays the number of cases discharged for each discharge reason and the percentage of youth who recidivated within that discharge reason. Most counties show that youth who were successfully discharged have lower recidivism rates than youth who failed the program conditions or who had a new law violation. In some counties, this is not the case, most likely a result of having fewer enrolled youth in counties with smaller populations.

Table 18: Recidivism Rate (R.R.) by Discharge Reason and County for 2012-2013								
	Successfully Discharged		Failed Program Conditions		New Law Violation		Other	
	N	R.R.	*N*	R.R.	*N*	R.R.	*N*	R.R.
Adams County	27	40.7%	5	60.0%	2	50.0%	0	0.0%
Antelope County	1	0.0%	0	0.0%	1	100.0%	0	0.0%
Boone County	2	50.0%	0	0.0%	0	0.0%	0	0.0%
Box Butte County	4	25.0%	1	0.0%	0	0.0%	0	0.0%
Buffalo County	78	32.1%	9	33.3%	3	100.0%	0	0.0%
Butler County	9	22.2%	2	50.0%	0	0.0%	0	0.0%
Chase County	3	33.3%	0	0.0%	0	0.0%	0	0.0%
Cheyenne County	7	42.9%	0	0.0%	0	0.0%	0	0.0%
Clay County	2	50.0%	0	0.0%	0	0.0%	0	0.0%
Colfax County	32	21.9%	3	66.7%	0	0.0%	0	0.0%
Cuming County	14	35.7%	0	0.0%	1	0.0%	0	0.0%
Dakota County	19	15.8%	2	0.0%	0	0.0%	0	0.0%
Deuel County	8	12.5%	1	0.0%	0	0.0%	0	0.0%
Dodge County	25	28.0%	1	100.0%	3	33.3%	0	0.0%
Douglas County	544	31.6%	133	56.4%	10	50.0%	0	0.0%
Dundy County	3	33.3%	0	0.0%	0	0.0%	0	0.0%
Fillmore County	3	33.3%	2	50.0%	0	0.0%	0	0.0%
Furnas County	5	60.0%	0	0.0%	0	0.0%	0	0.0%
Gage County	11	27.3%	2	0.0%	9	33.3%	0	0.0%
Hall County	137	37.2%	27	51.9%	26	69.2%	0	0.0%
Hitchcock County	6	33.3%	0	0.0%	0	0.0%	0	0.0%
Jefferson County	2	0.0%	0	0.0%	0	0.0%	1	0.0%
Keith County	13	23.1%	0	0.0%	0	0.0%	0	0.0%
Kimball County	1	100.0%	0	0.0%	0	0.0%	1	0.0%
Lancaster County	394	36.0%	76	50.0%	46	63.0%	31	64.5%
Lincoln County	49	28.6%	4	0.0%	7	42.9%	1	0.0%
Madison County	59	30.5%	8	62.5%	5	40.0%	4	0.0%
Merrick County	17	17.6%	2	0.0%	0	0.0%	0	0.0%
Otoe County	58	25.9%	1	100.0%	1	100.0%	0	0.0%
Perkins County	6	50.0%	1	100.0%	0	0.0%	0	0.0%
Platte County	83	41.0%	2	100.0%	3	66.7%	0	0.0%
Polk County	1	0.0%	0	0.0%	0	0.0%	0	0.0%
Red Willow County	19	26.3%	2	0.0%	0	0.0%	0	0.0%
Saline County	6	0.0%	0	0.0%	0	0.0%	0	0.0%
Sarpy County	316	18.0%	65	47.7%	10	70.0%	3	0.0%
Saunders County	25	20.0%	4	75.0%	0	0.0%	1	0.0%
Scotts Bluff County	60	30.0%	2	0.0%	4	100.0%	0	0.0%
Seward County	18	33.3%	5	60.0%	0	0.0%	0	0.0%
Sherman County	9	11.1%	0	0.0%	0	0.0%	0	0.0%
Washington County	10	50.0%	0	0.0%	0	0.0%	0	0.0%
Wayne County	2	0.0%	0	0.0%	0	0.0%	0	0.0%
York County	7	28.6%	0	0.0%	0	0.0%	0	0.0%

Number of Times Recidivated

In addition to whether a youth reoffended, we also calculated the number of times a youth was filed on for a new violation post discharge from a diversion program. To simplify the analysis, we recoded discharge reason into three groups: (1) youth successfully discharged, (2) youth unsuccessfully discharged (i.e., youth had a new law violation and youth failed to meet the program requirements), and (3) youth who never enrolled or other (i.e., program declined admission, youth/parent refused, referral withdrawn, or other).

The majority of youth only had a single instance of recidivism (n = 1481, 62.3%) following diversion; 21.4% (n = 509) recidivated twice, and the remaining recidivated more than twice (Table 19).

Table 19: Number of Times Youth Recidivated Post-Discharge

Times Recidivated	Frequency	Percent
1	1,481	62.3
2	509	21.4
3	214	9.0
4	85	3.6
5	36	1.5
6	22	0.9
7	14	0.6
8	4	0.2
9	4	0.2
10	3	0.1
11	3	0.1
12	1	0.0
13	1	0.0
Total	**2,377**	**100.0**

For youth who recidivated at least once, we examined the frequency of recidivism by comparing whether youth who were successfully discharged significantly differed in the number of times they recidivated as compared to youth unsuccessfully discharged and who never enrolled. As noted by different subscripts in Table 20, youth that were unsuccessfully discharged or who never enrolled had significantly more times recidivating following discharge than youth successfully discharged [$F(2, 2259) = 4.94$, $p<.001$]. Youth who never enrolled and who were unsuccessfully discharged had a similar number of recidivism occasions. This means that youth who were successfully discharged, despite recidivating, had fewer violations than those who were unsuccessful or who did not participate, but that youth who were unsuccessful or never enrolled were equally as likely to have multiple occasions of recidivism to each other.

Table 20: Average Number of Times of Recidivism by Discharge Type		
	Mean	***SD***
Successful Discharge	1.59_a	1.19
Unsuccessful Discharge	1.88_b	1.44
Never Enrolled or Other	1.74_b	1.26
Total	**1.70**	**1.13**

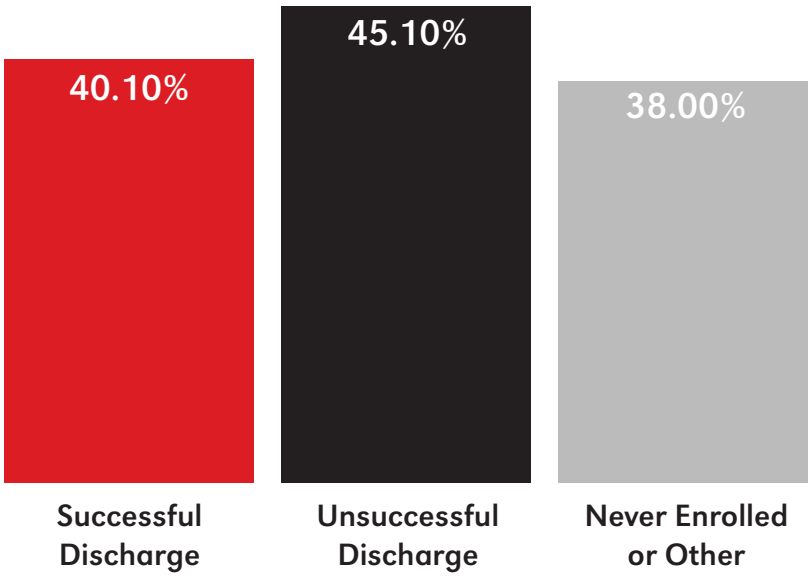
Recidivated by Offense Type

For youth who recidivated, we examined whether the offenses for which they recidivated matched the offenses that were referred to diversion. To do so, we compared whether the offense that resulted in the referral to diversion matched the offense the youth committed on the first occasion he or she recidivated. We coded each offense according to 10 categories:

(1) traffic violations (e.g., negligent/reckless driving, leaving the scene of an accident); (2) drug or alcohol related (e.g., minor in possession, possession of marijuana or other controlled substances, tobacco); (3) property crimes (e.g., theft, shoplifting, trespass, burglary, vandalism/graffiti); (4) crimes against person (e.g., robbery, assault sex crimes); (5) weapons related; (6) procedural/administrative (e.g., false reporting, refusing to comply with officer, fleeing arrest); (7) uncontrollable/disorderly (e.g., disturbing the peace, uncontrollable juvenile); (8) truancy; (9) curfew; or (10) unclear/unspecific.

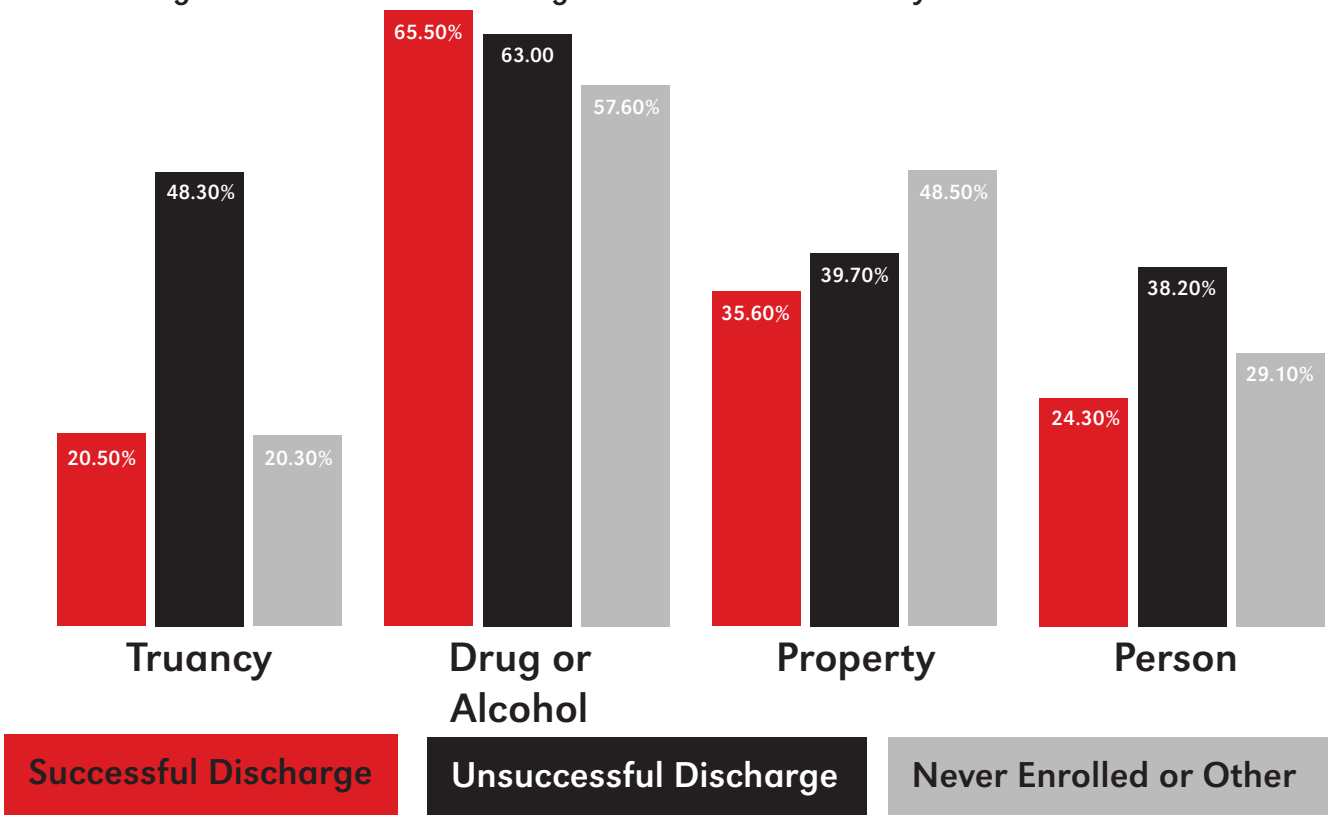
Overall, of the youth who recidivated, 40.8% recidivated with a similar type of offense. When comparing whether there were significant differences by discharge using Chi-Square tests, youth who were unsuccessfully discharged were more likely to recidivate with the same type of offense than youth successfully discharged or youth who never enrolled/other [x^2 (2) = 6.03, p<.05]; See Figure 7.

Figure 7. Rates of Recidivating with the Same Offense Type



To more specifically examine these trends by offense type, we compared whether youth who were referred to diversion for specific offense types were more likely to reoffend with that same offense type. Figure 8 displays the rates of recidivism with the same offense type for youth referred with a truancy charge, drug or alcohol-related charge, property charge, or crime against person charge.

Figure 8. Rates of Recidivating with the Same Offense by Diversion Offense



In comparing rates across all offense types, there are some noted differences in patterns by offense type. For instance, youth with truancy charges have the lowest likelihood of recidivating with a new truancy charge following a successfully discharge (20.5%); whereas youth with drug or alcohol charges have the highest likelihood of recidivating with a new drug or alcohol offense following a successful discharge (65.0%). After an unsuccessful discharge, however, it appears that youth with offenses related to crimes against people (38.2%) or property (39.7%) have a lower likelihood of recidivating than truancy (48.3%) or drug and alcohol offenses (63.0%).

Youth referred to diversion with at least one truancy case, for example, demonstrated a pattern in that youth who were unsuccessfully discharged were more likely to recidivate with a similar offense than youth who were successfully discharged or who never enrolled/other [x^2 (2) = 15.43, p<.001].

Youth referred to diversion with at least one property offense, on the other hand, demonstrated a different pattern such that youth who successfully discharged were less likely to recidivate with a similar offense than youth who never participated/other, but equally as likely as youth who were unsuccessfully discharged [x^2 (2) = 8.31, p <.05].

Contrast this with the pattern for youth referred to diversion with drug or alcohol-related and crimes against person offenses. Youth that were referred with a drug or alcohol-related offense were equally as likely to recidivate with another drug or alcohol offense than youth who were successfully discharged or who never enrolled/other [x^2 (2) = 3.34, p=.19]. Furthermore, there were no significant differences for youth with a crime against person offense demonstrating that they too were equally as likely to recidivate with another crime against person offense regardless of discharge reason [x^2 (2) = 3.47, p = .18].

There are a couple of possible explanations for this. One is that youth with drug or alcohol-related referrals may be more likely to reoffend with the same type of offense because they are higher risk or have a more difficult time refraining from drug and alcohol-related activity. Another explanation may be that diversion programming is better suited for addressing behaviors related to some offense types rather than other offense types.

Recidivated by Offense Severity

In addition to type of offense, it may be important to understand whether diversion participation is reducing the risk that youth commit more serious offenses following diversion. As such, we compared whether the offense that resulted in the referral to diversion matched in severity to offense the youth committed on the first occasion he or she recidivated. We coded each offense according to 4 categories:

> (1) felony (person, property, drugs, weapons, other); (2) misdemeanor (person, property, drugs, weapons, other); (3) status offense; (4) other offense (traffic violation, administrative violation, violation of court order).

Then, we indicated whether the youth's first recidivism offense(s) decreased, increased, or stayed the same in severity from the diversion referral offense(s). If the youth had more than one offense at either time (diversion or recidivism), then we used the most serious offense for analysis.

Overall, most youth's offenses were of the same severity for diversion and the recidivating offense (75.2%); while 7.6% decreased in severity and 17.2% increase in severity [x^2 (4) = 25.76, p < .001]. Results by discharge type revealed that severity of offense did not increase or decrease by successful or unsuccessful discharge; however, youth who never enrolled or other were more likely to increase in severity, and less likely to decrease or stay the same when compared to youth successfully discharged. Youth who were unsuccessfully discharged were also less likely to increase in severity than youth who never enrolled or other.

Although this could mean that youth who never enroll fair worse in terms of recidivism than youth who at least enrolled for a time-being (regardless of being discharged unsuccessfully), it may also mean that youth who never enrolled/other were higher risk youth. Without consistent information on youth's level of risk, however, we are unable to account for these types of competing explanations.

Table 21: Rates of Recidivating with a Less or More Severe Offense

	Decreased in Severity	Similar Severity	Increased in Severity
Successful Discharge	$9.1\%_{a}$	$76.4\%_{a}$	$14.6\%_{a}$
Unsuccessful Discharge	$6.6\%_{a,b}$	$76.2\%_{a,b}$	$17.2\%_{a}$
Never Enrolled or Other	$5.1\%_{b}$	$71.3\%_{b}$	$23.6\%_{b}$
Total	**7.6%**	**75.2%**	**17.2%**

Limited Sample: Program and Risk-Level Variables

Contract Activities - Diversion Program Requirements

As documented in the Nebraska Juvenile Pretrial Guidelines (2015), which outlines best practice recommendations for diversion, several activities should be available to youth enrolled in diversion and these activities "must match the needs of the youth and should be relevant to the alleged offense when appropriate". There are some requirements, however, that can apply to all youth including community service and refraining from violating the law. In JCMS, programs included approximately 45 activities that a youth may be required to complete. We recoded those into 10 categories that are displayed in Table 22. Overall, the most common activity type was an administrative requirement such as paying a diversion fee or a curfew. The next most common was community service, followed by attending some form of class (both in person classes and online classes).

Table 22: Types of Activities Youth in Diversion are Required to Complete

	Frequency	Percent
Administrative Requirement (fee, curfew)	3,706	34.7%
Community Service	1,920	18.0%
Attend Class (RDMC, TAW)	1,754	16.4%
Victim Focus (restitution, apology, mediation)	993	9.3%
Independent Assignment	862	8.1%
School Engagement	729	6.8%
Evaluation or Therapy	530	5.0%
Youth Employment	61	0.6%
Unspecified	47	0.4%
Parent or Guardian Requirement	45	0.4%
Teen Court	22	0.2%
Total		**100.0%**

Based on each of these 10 coded categories, we examined whether any of them were related to completing diversion successfully or recidivism. One caveat that should be noted, however, is that this only includes activities for 2,238 youth (approximately one in four of the total sample).

With respect to program completion, the only activity that was significantly related to completion was whether the youth had been referred for an assessment or therapy (mental health or substance abuse). Youth with a requirement to have an evaluation or therapy were more likely to successfully complete the program (73.1%) than youth who did not have an evaluation or therapy [x^2 (1) = 37.48, p < .001].

With respect to recidivism, four activities were significantly related to reoffending. Youth with community service requirements were less likely to reoffend (78.1%) than youth without community service [x^2 (1) = 12.18, p < .001]; youth with administrative requirements were less likely to reoffend (78.5%) than youth without them (21.5%) [x^2 (1) = 8.20, p < .01]; youth with an individual assignment (23.4%) were less likely to reoffend than youth without one (76.6%) [x^2 (1) = 3.97, p = .05]; youth with an evaluation or therapy (76.6%) were less likely to have a new offense than youth who did

not (33.7%) [x^2 (1) = 53.43, p < .001]. Finally, youth with a parent or guardian required to participate beyond the initial intake, were less likely to recidivate than youth without this requirement [x^2 (1) = 10.51, p < .01].

One limitation is that relatively few programs included all of the program goals and objectives; and that some of the largest counties do not have activities entered in to JCMS. Although our findings are significant, future research would ideally include all counties.

Youth Screening and Assessment Scores

According to Nebraska statute, a juvenile pretrial diversion program "shall provide screening services for use in creating a diversion plan utilizing appropriate services for the juvenile" (Neb. Rev. Stat. § 43-260.04(5)). As documented in the Nebraska Juvenile Pretrial Guidelines (2015), programs may utilize any screening and assessment tool related to risk of future harm, needs or strengths, or behavioral/mental health.

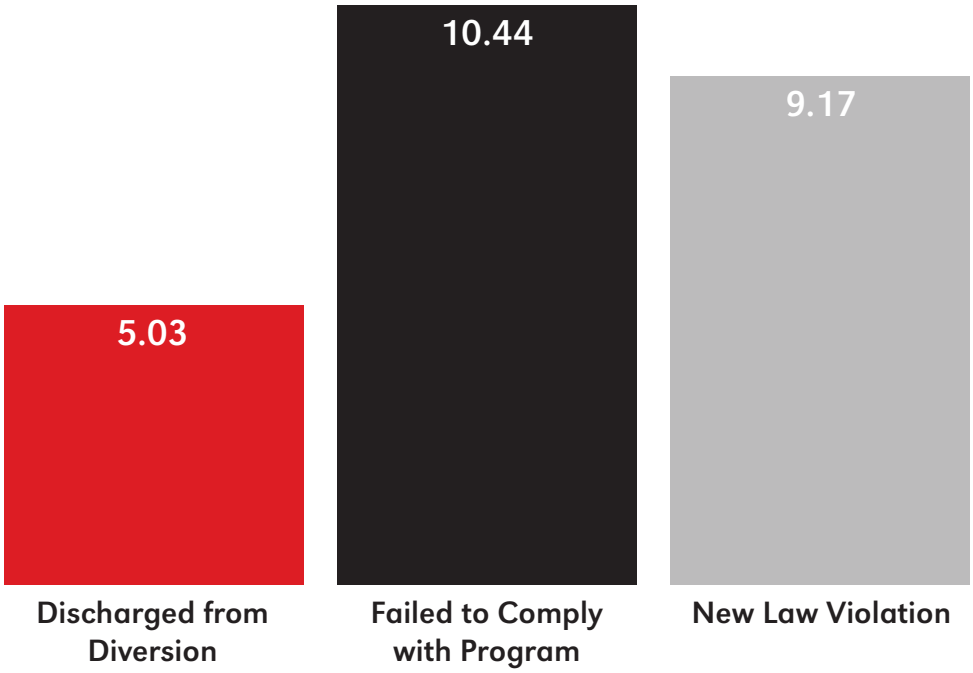
Of the 8,196 youth enrolled in diversion, data for screening or assessment scores were only entered for 868 cases (10.6%). Only 23 counties have entered information on screening or assessment scores into JCMS (Buffalo, Chase, Custer, Dakota, Dodge, Dundy, Gage, Hall, Hamilton, Kearney, Madison, Merrick, Nance, Otoe, Perkins, Platte, Polk, Red Willow, Sarpy, Saunders, Seward, Webster, and York). Of those counties, only 3 counties had greater than 90% of the youth with a screening or assessment score (Custer, Hamilton, and Saunders). The remaining counties with a diversion program either did not screen youth with a screening tool or did not enter the scores into JCMS.

Programs utilized a variety of screening tools but the most common were the Youth Level of Service (YLS), the Massachusetts Youth Screening Instrument-Version 2 (MAYSI-2), the Developmental Assets Profile (DAP), the Global Appraisal of Individual Needs (GAIN), and the Nebraska Youth Screen (NYS). The YLS and NYS are intended to measure future risk of reoffending; the MAYSI-2 measures mental health needs; the DAP measures internal strengths and support; the GAIN identifies a range of needs. Although all assessments are appropriate under statute and the Nebraska Juvenile Pretrial Guidelines (2015), only the YLS and NYS are intended to measure future risk of reoffending.

The YLS is the most common risk assessment tool in Nebraska diversion programs. Specifically, while only 40 youth have NYS scores entered into JCMS, 559 youth have YLS total scores entered into JCMS. Because there are so few youth with NYS scores, we only conducted analysis with the YLS total, which included data from the following counties: Dodge, Hall, Merrick, Nance, Platte, Sarpy, and Saunders. In general, the YLS-total ranges from a score of 0 (the lowest risk) to 42 (the highest risk). In this sample of youth, the average YLS-total score was 6.05 (SD = 4.82), which is considered low risk. The range of scores in this sample was 0 to 30.

Using ANOVA procedures, which compares whether there are mean differences between groups, we examined whether YLS-total scores significantly differed by discharge reason [F(3,548) = 38.13, p<.001]. Figure 9 includes the YLS-total scores by discharge reason for the 550 youth who were enrolled in a diversion program and who had a YLS-total score. Please note that for two youth, the discharge reason was "other" and they were not included in the figure because there were so few youth in that group. Youth who successfully completed the program had a significantly lower YLS-total score than youth who did not successfully complete the program; however, there were no difference in scores between youth who failed to comply with the program or had a new law violation.

Figure 9. YLS-Total Scores by Discharge Reason



We also estimated the probability a youth would recidivate based on the YLS-total scores using logistic regression procedures. The results indicated that YLS-total scores significantly predicted whether a youth would recidivate, accounting for 10% of the variance (Nagelkerke R2 estimate). It is expected that the odds of re-offense increased by 13% as the YLS-total score increased by 1 point [B = 0.12, SE = 0.2, Wald $x^2(1) = 30.95$, $p<.001$]. As such, it appears that YLS-total scores are predictive of recidivism with the limited sample of youth available.

Limitations

Control Variables and Missing Data

A number of relevant data may impact and predict whether a youth will be successful on diversion. There may be practical issues like whether the youth has responsible adults in his or her life to help him or her meet the requirements of diversion, attend classes or pay the court fees. Socioeconomic factors may influence whether a youth is successful in diversion. Often there are individual level risk factors that influence a youth's ability to complete diversion, like deviant peer groups, mental health issues, prior trauma, etc. Many of these variables are requested via the Juvenile Case Management System (JCMS). Unfortunately, most programs do not collect all of the information that might explain completion rates, and recidivism.

For example, JCMS includes fields to measure custody (one parent, both parents, state ward or guardian), family income, family size, enrollment status in school, and prior legal violations. Within the data we extracted from 2012 to 2015 we have data for the following percentage of youth: custody (64.8%); family income (15.3%); family size (20.8%), school enrollment (54.9%), and prior legal violations (7.3%). With more complete data, we could control for various youth factors that contribute to outcomes, identify what type of youth are best served in diversion, and explain why some programs may have better outcomes than others.

Furthermore, as a result of incomplete or missing data, there were some analyses that were not completed and several that could not be carried out. A primary outcome variable is whether youth have new law violations following their discharge from diversion. In a percentage of cases, however, we could not calculate whether a law violation occurred following discharge because there was no discharge reason. Although some cases could have been active cases, many were not; and as such, we could be under-estimating recidivism rates in cases without a discharge date. Similarly, without a discharge reason, we are unable to identify successful and unsuccessful youth. Without this, we are limited in ascertaining how youth are doing in diversion programs and whether diversion programs are having an impact on recidivism.

One recommendation when analyzing recidivism rates is to take into account the assessed risk level of the population being measured because recidivism rates differs substantially depending on the risk-level of the youth (National Reentry Resource Center, 2104). Of the 8,196 youth enrolled in diversion, data for screening or assessment scores were only entered for 868 cases (10.6%). Analysis with this small subset did show promising results in that the YLS-total was predictive of recidivism; however, with such a small subset of the sample these results should be yielded with caution. If it is the case that programs assessed youth but did not enter the scores into JCMS, then it would be possible for the Juvenile Justice Institute to update these analyses to get a clearer picture of the predictive validity of the YLS-total for youth in diversion programs. Previous research has mostly examined the predictive validity of the YLS in higher risk youth (e.g., probation); therefore, this is an area ripe for investigation and would be beneficial to the state.

Program-level variables are another area that could help explain outcomes for youth. In JCMS, programs are asked to complete information about the types of activities or interventions that each youth is required to complete. Of the 8,196 youth enrolled in diversion, data for diversion requirements were only entered for 2,238 cases (27.3%). Although results indicated that some activities are related to program outcomes and recidivism, we are not able to determine whether the activities are causing these outcomes or whether there are youth characteristics that may explain the

relationship (i.e., risk-level, needs, mental health or substance abuse issues). Some preliminary results with an even smaller subset of youth (n = 392) with both activities and a YLS-total score in JCMS do indicate that risk-level is related to whether a youth is required to completed certain activities (i.e., individual assignment, attending classes, having an evaluation or therapy, and school engagement). Again, however, a higher percentage of complete data would be required for more reliable analysis.

Conclusion

In this analysis of juveniles who completed diversion between 2012-2015, the results are promising. Despite research that shows diversion nationwide may not be effective, Nebraska programs overall appear to significantly impact whether or not a youth is charged with a subsequent law violation. However, this is only accurate if the youth successfully completes the program, and it does vary by county. One important area to focus our efforts is understanding why youth fail to enroll in diversion, and overcoming that obstacle. A second area that appears to impact diversion outcomes is the content of the diversion programming. It is likely that outcomes for youth may be explained by both the type of programming the youth receives and the quality of the programming.

The Juvenile Justice Institute anticipates producing a statewide juvenile diversion report every three years, as part of the Evidence-Based Nebraska series. It is our hope that data input and quality will be improved in upcoming years, so that we can examine specifically the types of diversion programming that have the most significant impact. Individual level characteristics, program level and county level variables will help explain the variance in program outcomes.

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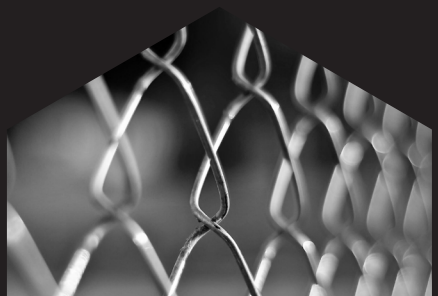

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